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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/621,033	07/15/2003	William Paul Mazotti	NSC1P272/P05590	1184
22434	7590	10/19/2004	EXAMINER	
BEYER WEAVER & THOMAS LLP			KANG, JULIANA K	
P.O. BOX 778			ART UNIT	
BERKELEY, CA 94704-0778			PAPER NUMBER	
			2874	

DATE MAILED: 10/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/621,033	<b>Applicant(s)</b> MAZOTTI ET AL.	
	<b>Examiner</b> Juliana K. Kang	<b>Art Unit</b> 2874	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9, 16-22 and 27-33 is/are rejected.
- 7) ☒ Claim(s) 10-15 and 23-26 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>4/5, 4/16, 6/4</u> . | 6) <input type="checkbox"/> Other: ____.  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-9, 16-22, and 27-33 are rejected under 35 U.S.C. 102(b) as being anticipated by Bowen et al (U.S. Patent 5,076,688).

Regarding claims 1, 7, 9, 16-18, 22, 27, 28, Bowen et al disclose a plug device comprising a handle (10) having a first end and a second end; and a pair of rods (17, 18) wherein one of the rods extends from the first end of the handle and the other rod extends from the second end of the handle, wherein each of the rods is suitably sized to fit into respective barrels (27, 28) that lead to photonic devices (4, 5) such that each rod seals respective openings of the barrels and inherently prevents contaminating particles from entering each barrel. Bowen et al further disclose the rods and the handle having an optical fiber (11) to transmit optical signals from one end of the rod to the other end of the rod.

Regarding claims 2 and 8, Bowen et al show the rods and barrels that are substantially parallel to each other (see Fig. 3).

Regarding claims 3-6, 29 and 30, Bowen et al show the rods that are integrally formed with the handle. Bowen et al further show a rim that extends around each rod at

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a position near wherein the rod and handle interface, wherein each rim surrounds the rods and therefore inherently facilitating the sealing of an opening of a respective barrel (see Fig. 3).

Regarding claims 19-21 and 31-33, Bowen et al show a flat surface (where the reference number 10 is pointing in Fig. 3) located on a surface of the handle that is opposite to the surface from which the rods extend.

### ***Allowable Subject Matter***

3. Claims 10-15 and 23-26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claims 10 and 23, the closest prior art made of record, Bowen et al, fails to teach all the specific elements and the specific combinations including the claimed limitation of the rods that are covered with a reflective material.

Regarding claims 11-15 and 24-26, the closest prior art made of record, Bowen et al, fails to teach all the specific elements and the specific combinations including the handle having an angled surface to reflect light traveling bi-directionally.

### ***Conclusion***

4. The prior art documents submitted by applicant have been considered and made of record (note the attached copy of form PTO-1449).


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5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Pohnke (U.S. Patent 6,599,033 B1) teaches a device for sealing a coupling unit for an optoelectronic component against contaminants.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Juliana K. Kang whose telephone number is (571) 272-2348. The examiner can normally be reached on Mon. & Fri. 10:00-6:00 and Tue. & Thur. 10:00-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rod Bovernick can be reached on (571) 272-2344. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Juliana Kang  
October 18, 2004